

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6745

Petition of Vermont Electric Power Company,     )  
Inc. ("VELCO") for a Certificate of Public Good    )  
pursuant to 30 V.S.A. § 248(j) for the Location   )  
of Independent Wireless One Leased Realty       )  
Corp. Antennas and related facilities on and       )  
near a VELCO Transmission Pole in South           )  
Burlington, Vermont                                    )

Order entered: 10/17/2002

**I. INTRODUCTION**

This case involves a petition filed on June 20, 2002, by Vermont Electric Power Company, Inc. ("VELCO") requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j). VELCO requests permission to lease space on top of an existing 115 kv transmission pole and space in the right-of-way and adjacent to the subject transmission pole for the purpose of installing Sprint PCS antennas and related equipment to provide services for the U.S. Sprint wireless system. The subject VELCO transmission pole and right-of-way are located off U.S. Route 7 in South Burlington, Vermont.

VELCO has served the petition, prefiled testimony, proposed findings, and a proposed order (along with a prospective CPG) on the Public Service Board ("Board"), the Vermont Department of Public Service ("DPS") and the Vermont Agency of Natural Resources ("ANR"), as specified in 30 V.S.A. § 248(a)(4)(C), pursuant to the requirements of 30 V.S.A. § 248(j)(2).

Notice of the filing in this docket was sent on August 8, 2002, to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested persons. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 must file the comments with the Board on or before

September 9, 2002. Notice of the filing, with a request for comments on or before September 9, 2002, was also published in the *Burlington Free Press* on August 12 and 19, 2002.

The ANR filed comments with the Board on September 6, 2002. In its filing, the ANR does not oppose the proposed project and does not request a hearing. The ANR requests that the CPG include the Board's standard condition language that VELCO "shall obtain and comply with all conditions and requirements of all necessary permits and approvals" rather than the language proposed by VELCO in its June, 2002, filing. The ANR believes that the Board's standard language avoids the conditioning of the proposed construction on future approvals and also directly incorporates any other permits into the terms of the CPG, thus avoiding ANR requests to have conditions in other permits repeated in the CPG. No comment or objection to the ANR request has been received from VELCO.

The DPS filed its comments with the Board on September 9, 2002. In its filing, the DPS requested two modifications to the proposed CPG submitted by VELCO and several changes to the proposed findings submitted by VELCO. VELCO has submitted revised findings and a revised CPG incorporating all of the DPS' requested modifications and we have adopted the DPS requests in today's Order.

The DPS filed a Determination under 30 V.S.A. § 202(f) on September 18, 2002.

No comments were received from any other parties or interested persons.

The Board has reviewed the petition and accompanying documents and agrees that, pursuant to 30 V.S.A. § 248(j), a CPG should be issued without the notice and hearings otherwise required by 30 V.S.A. § 248.

## **II. FINDINGS**

Based upon the petition and accompanying documents, the Board hereby makes the following findings in this matter.

1. VELCO is a company as defined by 30 V.S.A. § 201 and as such is subject to the Board's jurisdiction pursuant to 30 V.S.A. § 203. Pet. at 1.
2. VELCO owns and operates 115 kv transmission facilities in the State of Vermont, including a transmission line known as the Queen City Tap. Pet. at 3-6.

3. The Queen City Tap is a 115 kv transmission line that connects the Essex-Middlebury 115 kV transmission line to a substation in the vicinity of Queen City Park Road in South Burlington, Vermont. Wies pf. at 4; exh. VELCO 2.

4. The Board authorized construction of the so-called Queen City Tap in 1972 in Docket No. 3453. Wies pf. at 3; exh. VELCO 3.

5. The Queen City Tap crosses U.S. Route 7 in South Burlington, VT. Exh. VELCO 2.

6. A portion of the Queen City Tap includes steel transmission towers. One of these towers, VELCO pole no. 48, is an 83-foot tower situated approximately 455 feet east of the centerline of U.S. Route 7. Johnson pf. at 1.

7. U.S. Sprint is developing a wireless communication system in northern New England. This system is designed to compete with cellular service. Stevens pf. at 1.

8. The U.S. Sprint wireless system is a so-called PCS system. It is different from the better-known cellular systems in that it operates at a higher frequency (1.6 gigahertz v. 800 megahertz) and has a higher bandwidth. The result is that although the signal travels a shorter distance it provides greater carrying capacities than cellular technology. Stevens pf. at 2.

9. The Sprint PCS system relies upon digital technology and a standard known as Code Division Multiple Access, or CDMA. This is a "spread spectrum" technology, which means that it spreads the information contained in a particular signal of interest over a much greater bandwidth than the original signal, reducing interference and improving clarity, reliability and security. Stevens pf. at 6.

10. The overall objective of the U.S. Sprint project is to provide continuous Sprint PCS coverage along U.S. Route 7 (north to connect with antennas in South Burlington and Burlington and south to connect with facilities to be constructed in Shelburne and Charlotte). Stevens pf. at 11-13.

11. Independent Wireless One Leased Realty Corp. ("IWO"), which is under contract to develop and operate the U.S. Sprint system in northern New England, has determined that VELCO pole no. 48 on the Queen City Tap is the most desirable location in the subject area of U.S. Route 7 to locate one of its antennas. Stevens pf. at 11-13.

12. As an alternative, IWO considered construction of a tower on an empty lot nearby to VELCO pole no. 48. However, IWO has not yet pursued this option because it believes that co-locating on an existing structure is more in line with Vermont's planning objectives. Stevens pf. at 12.

13. IWO also considered and rejected, as a location for its antenna, another VELCO transmission pole located on the west side of U.S. Route 7. This west side pole is actually the ideal candidate to locate the subject antenna, from the standpoint of system coverage. However, IWO found that the west side pole sits very close to U.S. Route 7 and also is in the view-shed of Lake Champlain and the Adirondack Mountains, which are visible from U.S. Route 7. In order to avoid these issues and protect the Lake Champlain view-shed, IWO ultimately rejected the west side pole location in lieu of the east side pole location. Stevens pf. at 12.

14. IWO has concluded that VELCO structure no. 48 provides the best strategic vantage point for serving the Sprint PCS network. As proposed, the antennas on this structure will provide coverage for an area of approximately 2-3 miles. Stevens pf. at 12.

15. VELCO has entered into a lease agreement with IWO, conditional on the Board's approval, to allow IWO to install an antenna array that will extend seven feet atop VELCO pole number 48 and to install related PCS transceiver equipment in the VELCO right-of-way. Wies pf. at 1; exh. VELCO 1.

16. The proposed pole-top antenna array consists of mounting two flat antennas (each 64 inches long, 10.5 inches wide and 2.7 inches deep) on a pole attached to the top of the subject VELCO transmission pole. Including their mounting pole, the proposed antennas and supports will extend approximately seven feet above the top of the VELCO transmission pole. Stevens pf. at 3.

17. The proposed transceiver equipment, to be located within the VELCO right-of-way, consists of several pedestal mounted cabinets, each approximately 30 inches tall, all located within a 15' x 20' fenced-in area. A 12' x 70' gravel driveway is proposed to access the equipment from an adjacent parking lot. Stevens pf. at 3-4; Johnson pf. at 2.

18. The agreement is initially for five years, extending to up to twenty-five years. IWO will pay \$1000 per month to VELCO. In addition, IWO will pay to VELCO all costs associated with

the construction of the proposed project, including the cost of the subject proceeding. Wies pf. at 2-3; exh. VELCO 1.

19. VELCO will perform all proposed construction work and ongoing maintenance on equipment located on its transmission structure. IWO will maintain associated transceiver equipment that connects to the antenna array located on the VELCO transmission pole. Wies pf. at 3; exh. VELCO 1; Johnson pf. at 4.

**Orderly Development of the Region**

[30 V.S.A. § 248(b)(1)]

20. The proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 21 through 26, below.

21. The proposed project has received approval from the City of South Burlington and a letter from the Chittenden County Regional Planning Commission that the proposed project is in compliance with the applicable regional plan. Stevens pf. at 5-6; exh. VELCO 8; letter from E. Hobson to S. Hudson, filed August 6, 2002.

22. The proposed use of VELCO pole number 48 to the east of U.S. Route 7 represents a nearly ideal location for the PCS array for coverage of the Route 7 area. Stevens pf. at 12.

23. The proposed project includes the construction of equipment and utilities necessary for the operation of the cellular communication antennas to be installed on the existing VELCO pole. The proposed co-facility location reduces the potential area impact as opposed to the alternatives of either a more visible installation on another VELCO tower, or the construction of a new tower. Stevens pf. at 12-13.

24. There will be no buildings, sewage disposal, human occupancy or other intensive uses of the proposed site. Wheeler pf. at 2.

25. The proposed project is located within a heavily commercialized area where the existing substantial VELCO structure is itself not especially visible due to the other development in the area. Wheeler pf. at 5-7.

26. The proposed project will provide communication infrastructure benefits to the region, not only in co-location on an existing structure, but also in bringing a new, high bandwidth digital wireless communication technology to the region. This technology is capable of supporting new uses for wireless communication, including high speed Internet access up to 80 times the speed of dial-up connections, and live video transmission. The proposed PCS system installation will also provide a new entrant with a high speed digital technology to compete with existing cellular carriers. Stevens pf. at 7, 8 and 11.

**Need For Present and Future Demand for Service**

[30 V.S.A. § 248(b)(2)]

27. The proposed project is required to meet the need for present and future demand for telecommunication. Because the project will provide telecommunications services, the need could not be met in a more cost effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 2-4, above, and 28 below.

28. VELCO contemplates no changes in the Queen City Tap. Wies pf. at 6.

**System Stability and Reliability**

[30 V.S.A. § 248(b)(3)]

29. The proposed project will have no adverse effect on system stability and reliability. This finding is supported by findings 2-4, above, and 30-31, below.

30. VELCO will be maintaining all the proposed new equipment on its transmission structure. In addition, the proposed new equipment will not interfere with VELCO's own maintenance. Wies pf. at 3; Johnson pf. at 2-4.

31. The proposed project will have no adverse impact on VELCO system structural stability and reliability, because the proposed new antenna facility is designed to even higher wind speed standards than is the existing Queen City Tap. Ice is not likely to be a factor, since the proposed structure is vertical. Johnson pf. at 5-7.

**Economic Benefit to the State**

[30 V.S.A. § 248(b)(4)]

32. The proposed project will result in an economic benefit to the State. This finding is supported by finding 18, above, and 33 through 35, below.

33. The burden of the proposed construction and impact of the IWO equipment on VELCO's operation is insignificant. It is more than offset by the compensating stream of income to VELCO. Wies pf. at 6.

34. The proposed use of the existing VELCO transmission structure for an additional revenue source ultimately benefits the ratepayers. Wies pf. at 1-2.

35. The State also benefits from the proposed project by the provision of a high-speed alternative to existing cellular services and by the resulting stream of income. The proposed project will provide a competitive alternative to cellular services and provide a high bandwidth wireless alternative that will ultimately have additional capabilities, including carrying television signals. Wies pf. at 2; Stevens pf. at 6-8.

**Aesthetics, Historic Sites, Air and  
Water Purity, the Natural Environment and Public****Health and Safety**

[30 V.S.A. § 248(b)(5)]

36. The project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety. This finding is supported by findings 37 through 65, below, which are based on the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8), 8(A) and (9)(K).

**Outstanding Resource Waters**

[10 V.S.A. § 1424a(d)]

37. The proposed project will not affect any outstanding resource waters, as there are no surface waters on the site, with the exception of the intermittent flow of the drainage ditches that have been dug on the site. These ditches are not perennial streams, and would not be considered for designation as Outstanding Resource Waters. Wheeler pf. at 15-16.

**Water and Air Pollution**

[10 V.S.A. § 6086(a)(1)]

38. The project as proposed will not result in undue water or air pollution. This finding is supported by findings 39 through 49, below.

**Headwaters**

[10 V.S.A. § 6086(a)(1)(A)]

39. The proposed project area is not a headwater for a watershed or stream of any description. Wheeler pf. at 18.

**Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

40. The proposed project as designed will meet any applicable health and environmental conservation regulations regarding the disposal of wastes. Any construction debris will be disposed of at an approved landfill. Exhs. VELCO 5, 19.

**Water Conservation**

[10 V.S.A. § 6086(a)(1)(C)]

41. The proposed project has no water supply needs. Wheeler pf. at 18.

**Floodways**

[10 V.S.A. § 6086(a)(1)(D)]

42. There are no floodways in the vicinity of the proposed project. Wheeler pf. at 18.

**Streams**

[10 V.S.A. § 6086(a)(1)(E)]

43. There are no streams in the vicinity of the proposed project. Wheeler pf. at 18.

**Shorelines**

[10 V.S.A. § 6086(a)(1)(F)]

44. There are no shorelines in the vicinity of the proposed project. Wheeler pf. at 18.

**Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

45. The proposed project is located in a small wetland area which likely provides two functions. One function of the wetland is that of surface and groundwater protection. The



second function is wildlife habitat, which is provided in those parts of the wetland that are more heavily vegetated by woody vegetation. Wheeler pf. at 7-10.

46. Given that the subject wetland is currently located in an urban setting, the placement of these proposed antennas and supporting structures will not substantially change the character of the site. Due to its small size and minimal impervious surface area, the proposed project will not have any adverse impact on the function of surface and groundwater protection. Adjacent parts of the wetland will not be impacted by the proposed project. Wheeler pf. at 10-11.

47. The ANR granted a Conditional Use Determination (CUD) for this proposed project on February 21, 2002. Under Federal regulatory review, the impact from the proposed project is considered so small as not to require any notification to the U.S. Army Corps of Engineers, the federal agency responsible for reviewing projects that affect wetlands. Wheeler pf. at 11-12, 19; exh. VELCO 19.

48. To minimize the potential for adverse impacts to the wetland surrounding the proposed project's work area, silt fences will be installed, prior to construction, around the edges of the subject work area to retain silt and to minimize damage by excessive equipment travel adjacent to the work area. The silt fences will be removed after construction is completed, as the resulting permanent installation will not generate silt. Wheeler pf. at 11.

#### **Air Pollution**

[10 V.S.A. § 6086(a)(1)]

49. There will be no air emissions from the proposed antennas and associated equipment. During construction, dust will be controlled with water, as needed, to ensure airborne dust does not leave the work area. All equipment used for site work during construction will be properly maintained to ensure that no undue exhaust emissions are produced during the construction phase of the proposed project. As a result, the proposed project will not cause undue air pollution. Wheeler pf. at 17.

**Sufficiency of Water And Burden on**

**Existing Water Supply**

[10 V.S.A. § 6086(a)(2)(3)]

50. The proposed project will not use any water and will, therefore, not place a burden on any existing water supply. Wheeler pf. at 13.

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

51. The proposed project will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by finding 52, below.

52. The proposed project's only impact on soil erosion will be during the construction phase, which will be short. Erosion control practices will be employed to minimize the potential for soil erosion during the construction phase of this proposed project. These practices will include the placement of silt fencing around the subject work area to keep equipment confined to the minimum area necessary and to control any runoff that may occur. Additionally, all areas of exposed soil will be mulched with clean straw as soon as possible following completion of the proposed work. Wheeler pf. at 19-20.

**Traffic**

[10 V.S.A. § 6086(a)(5)]

53. The proposed project will have no impact on traffic. Wheeler pf. at 10.

**Educational Services**

[10 V.S.A. § 6086(a)(6)]

54. The proposed project will have no impact on educational services. Wheeler pf. at 2, 10.

**Municipal Services**

[10 V.S.A. § 6086(a)(7)]

55. The proposed project will have no impact on municipal services. Wheeler pf. at 2, 10.

**Aesthetics, Historic Sites or Rare  
And Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

56. The proposed project will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 57-63, below.

57. The proposed project is compatible with its surroundings, including colors and materials, and the proposed project, while visible, is not the primary area where the eye is directed and does not significantly alter the aesthetic impact of the existing VELCO transmission pole. Wheeler pf. at 3.

58. Beyond the immediate area of the proposed project site, the only visible component of the proposed project will be the antennas mounted on top of the existing VELCO pole. The proposed antennas, extending approximately 7 feet above the top of the pole, will extend approximately 1.5 feet out from the pole and be painted to match the color of the existing pole. They will not appear as a broad eye-catching structure protruding from the pole. Wheeler pf. at 4-5.

59. The subject VELCO transmission pole is only visible to the general public from U.S. Route 7 for a distance of approximately 0.32 miles. Within this narrow window, numerous buildings and trees mask the visibility of the pole from the roadway, so a direct view of the pole is available only in small glimpses. Wheeler pf. at 5.

60. The existing commercial suburban setting of U.S. Route 7 in the proposed project area masks the pole and proposed antenna structure. This includes traffic lights, driveways, roads, buildings and heavy traffic. Wheeler pf. at 6-7.

61. There are no recognized archeological or historically significant resources at the proposed project site. A Phase 1A Sensitivity Assessment and a Phase 1B Site Location Survey were performed for this site by Independent Archeological Consulting, LLC, of Portsmouth, New Hampshire. The Phase 1B Site Location Survey was conducted because the Phase 1A Sensitivity Assessment concluded that due to its location (near the relict beach line of the Lake Champlain Sea), the site was sensitive for pre-Contact archeological resources. A test pit and soil screening

was conducted in the area proposed for the equipment-supporting concrete pad. No cultural material was retrieved from this test pit. No further archeological survey was recommended for the proposed site. Wheeler pf. at 16; exh. VELCO 17.

62. The Vermont Division for Historic Preservation ("VDHC") reviewed the Independent Archeological Consulting report. In a letter dated March 11, 2002, VDHC concluded that, ". . . this project will not affect any historic properties that are listed on or eligible for inclusion on the National Register of Historic Places." Wheeler pf. at 16-17; exh. VELCO 18.

63. There are no rare and irreplaceable natural areas in the vicinity of the proposed project. Wheeler pf. at 21.

### **Discussion**

Based on the above findings, the Board finds that this proposed project will not have an undue adverse effect on the aesthetics or scenic and natural beauty of the area. In reaching this conclusion, the Board has relied on the Environmental Board's methodology for determination of "undue" adverse effects on aesthetics and scenic and natural beauty as outlined in the so-called Quechee Lakes decision. Quechee Lakes Corporation, #3W0411-EB and 3W0439-EB (January 1986).

As required by this decision, it is first appropriate to determine if the impact of the proposed project will be adverse. The proposed project would have an adverse impact on the aesthetics of the area if its design were out of context or not in harmony with the area in which it is located. If it is found that the impact would be adverse, it is then necessary to determine whether such an impact would be "undue." Such a finding would be required if the proposed project: (1) violated a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, (2) if it would offend the sensibilities of the average person, or if (3) generally available mitigating steps were not taken to improve the harmony of the proposed project with its surroundings. The Board's assessment of whether a particular project will have

an "undue" adverse effect based on these three standards will be significantly informed by the overall societal benefits of the project<sup>1</sup>.

The proposed project will not have an undue adverse effect on aesthetics or natural beauty of the area, because of (1) the limited nature of the proposed project, (2) the fact that it will be located entirely within the existing VELCO right-of-way, (3) the fact that beyond the immediate area of the proposed project site, the only visible component of the proposed project will be the antenna mounted on top of the existing VELCO transmission pole, and (4) the antenna, which will extend approximately 7 feet above the top of the pole and extend only approximately 1.5 feet out from the pole, will be painted to match the color of the existing pole. The proposed project is in harmony with the surroundings, as its design is compatible with the surroundings, including colors and materials. The proposed project, while visible, is not in the primary area where the eye is directed and it does not significantly alter the aesthetic impact of the existing VELCO structure. Further, even if the project were found to have an adverse aesthetic impact, it is not inconsistent with any applicable written community standard. It does not offend the sensibilities of the average person, and VELCO is taking generally available mitigating effects which a reasonable person would take to improve the harmony of the proposed construction, including use of a less obtrusive color, the existing sky blue of the VELCO tower.

**Necessary Wildlife Habitat and**

**Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

64. The proposed project will have no impact on any known natural areas, necessary wildlife habitat or endangered species. Wheeler pf. at 21.

**Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

65. The proposed project will not endanger the public or quasi-public investments in any governmental public utility facilities, services, or lands, or materially jeopardize or interfere with

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1. Consider for example, reduction in need for power plant, transmission investments, or other social costs.

the function, efficiency, or safety of, or the public's use or enjoyment of or access to such facilities, services, or lands. Wheeler pf. at 15-17.

**Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

66. The proposed project will have no adverse impact on public health and safety. The proposed project will be built to the equivalent or higher specifications than those provided by the National Electrical Safety Code ("NESC"), to which the existing Queen City Tap is constructed. As a result, there will be no safety concerns different from those that currently apply to the existing transmission system. Johnson pf. at 5-6.

67. RF emissions are within limits regulated by the FCC. Stevens pf. at 18; exh. VELCO 11. Concerning RF emissions, federal law provides that: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." 47 U.S.C. § 332(c)(7)(B)(iv).

**Compliance With Electric Energy Plan**

[30 V.S.A. § 248(b)(7)]

68. The project as proposed is consistent with the Vermont 20-Year Electric Plan. The DPS has determined, in a letter dated September 18, 2002, that the proposed project is consistent with the Vermont 20-Year Electric Plan in accordance with 30 V.S.A. § 202(f), provided that VELCO's actions in this matter are consistent with the petition and testimony. DPS Section 202(f) Determination.

**Outstanding Water Resources**

[30 V.S.A. § 248(b)(8)]

69. In the vicinity of the proposed project, there are no waters designated as an "Outstanding Water Resource" by the State of Vermont Water Resources Board. Wheeler pf. at 16; Finding 37 above.

**Existing Transmission Facilities**

[30 V.S.A. § 248(b)(10)]

70. The proposed project will have no adverse affect on Vermont customers or utilities as these proposed facilities will have negligible demand on the local utility facilities and will not adversely affect either system stability or reliability. Wies pf. at 6; Johnson pf. at 7.

### **III. CONCLUSION**

Based upon all of the above evidence, the proposed construction will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

### **IV. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the leasing of space on top of an existing VELCO 115 kv transmission pole and the leasing of space in the right-of-way and adjacent to the subject transmission pole, all located off U.S. Route 7 in South Burlington, Vermont, for the purpose of installing Sprint PCS antennas and related equipment to provide services for the U.S. Sprint wireless system will promote the general good of the State of Vermont in accordance with 30 V.S.A. Sec. 248, and a certificate of public good shall be issued in this matter.

Dated at Montpelier, Vermont, this 17<sup>th</sup> day of October, 2002.

<u>s/Michael H. Dworkin</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: October 17, 2002

ATTEST: s/Susan M. Hudson

Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*